



## City Council Staff Report

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To: City Council  
From: Planning Staff  
Report Date: Oct 10, 2017  
Meeting Date: October 18, 2017  
Item: Short Term Rental of Dwelling Units Ordinance Title 3, Chapter 12 and Title 9, Chapter 4 residential zoning use references—as applicable to short-term rentals

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### General Information:

<b>Requested Actions:</b>	Take public testimony on the draft amendments to the Short Term Rental of Dwelling Units Ordinance
<b>Included in Staff Report:</b>	<ol style="list-style-type: none"><li>1. History/Overview</li><li>2. Relevant comprehensive plan policies</li><li>3. Vacation Rental statistics</li><li>4. Motion</li></ol>
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. Short Term Rental (Vacation Home; Tourist Home) Ordinance with proposed amendments</li><li>2. Residential Single Family, Multi-Family and Rural Residential-1 use listing proposed clean up amendments (as they apply to vacation rentals)</li><li>3. Council Minutes from the Sept. 6<sup>th</sup> continuation.</li><li>4. Comments submitted since the posting deadline for the Sept. 6<sup>th</sup> meeting</li></ol>

### 1. Overview:

At the June 21<sup>st</sup> public hearing, Council decided to continue the hearing to July 19<sup>th</sup>, 2017 and at the July meeting, Council continued the hearing further to Sept. 6<sup>th</sup> and again to October 18<sup>th</sup>, 2017. Since the continuations, staff has done further legal review in light of the recently adopted Idaho House Bill 216 which takes effect on Jan. 1<sup>st</sup>, 2018. Staff has made proposed

changes / discussion items for council within Title 3, Chapter 12 as well as residential zoning use listings for cleanup and consistency (RS, RM, and RR-1 zones) as they apply to short-term rentals. The driving considerations by city staff with respect to many of the changes are to respond to market demand; ensure efficiency by city staff with regards to enforcement; compliance with recent State legislation; and balancing Sandpoint Comprehensive Plan objectives and the protection of residential neighborhood integrity. Among the changes proposed and discussion items listed are:

- Consideration of allowance for Accessory Dwelling Units without adherence to the 300' buffer requirement
- Application of consistent licensing throughout all zones, with specific requirements for residential zones.
- Elimination of International Building Code Requirements while maintaining certain requirements of smoke alarms, CO2 alarms, fire extinguishers and emergency egress.
- Providing for self-inspections for renewals and notarized statements thereto in order to reduce enforcement pressures and staff time.
- Clarifying room rental by owner occupied primary dwelling units with respect to the otherwise required 300' buffer
- Consideration within residential zones of one owner per vacation rental
- Incorporating Planning Commission recommendations with respect to the inactivity clause
- Changes to suspension and revocation processes from violations and also adding an infraction section to match existing language for business licenses.
- Various other cleanups and refinements

"Tourist Home" first appeared as a permitted use in the Commercial "D" zone in 1958 and was defined as, "A dwelling in which overnight accommodations are provided or offered for transient guests." Short-term rentals within the residential zones were not regulated until 2005, when licensing requirements were adopted and a Conditional Use Permit requirement was imposed for the Residence "B" and "C" (now Residential Multi-Family), Rural Residential RR1 and RR2, and Professional Office "PO" (now Mixed Use Residential) zones. The use was prohibited in the Residence "A" (now Residential Single-Family) zone because of concerns with the commercialization of those areas and the desire to protect the City's traditional neighborhoods, with existing vacation rentals in those areas given a 5-year sunset clause to cease operation.

In 2012, City Council discussed the level of noncompliance with City Vacation Rental/Tourist Home regulations and directed the issue be referred to the Planning Commission for consideration of potential code amendments including:

1. Revisit city code regarding where and under what circumstances tourism homes can be operated.
2. Consider allowing without condition in all zones.
3. Consider allowing without condition in all zones except RS which would require a CUP.
4. Consider operational safeguards such as limiting the total number of tourist homes in town, establishing a tourist home overlay zone with proximity to commercial districts and limiting the number of tourist homes per block.
5. Actively solicit the input of the tourist home industry in the development of any code changes.

In May of 2013, the City created an Ordinance regulating vacation/tourist/short term rentals in the residential areas of the city (defined as 30 days or less). Some of the highlights of the resulting ordinance are as follows:

- Tourist Homes not permitted within 300' of another as measured from the parcel line with the exception of multi-family waterfront developments that contain 10 or more units
- Permit and inspection is required to be in compliance with fire and building code. Inspections and permit renewal are required annually
- Tourist Homes are issued to the current parcel owner and are non-transferable except by survivorship to a spouse or child
- No more than one vacation rental per owner (unless for those that are exempt from the buffer requirement)
- A Local representative shall be designated and notification to neighbors regarding the intent with contact information is required
- Inactive tourist homes for a period of 24 months shall constitute a forfeiture of the license

In March of 2017 the Planning Commission reviewed the Ordinance again to address issues with the inactivity clause. Staff was instructed to bring the changes reflected in the attached code back for public hearing. Staff also has made some suggested changes in order to better align the ordinance with House Bill 216, which takes effect Jan. 1<sup>st</sup>, 2018.

On May 16, 2017 the Planning Commission held a public hearing and recommended approval of the amendments discussed in March.

## 2. Relevant Comprehensive Plan Policies:

### Chapter 3, Community Design

Goal CD-1: Historic Town - *Retain Sandpoint's position and image as an historic town.*

#### **Policies**

- A. Ensure that all commercial, single and multi-family development respect the town's unique historic character, in architecture, density and in site planning.
- B. Facilitate reinvestment in and adaptive reuse of historic structures, districts and neighborhoods.

Goal CD-2: Resource Conservation - *Facilitate resource conservation and community development in Sandpoint's design.*

#### **Policies**

- A. Locate population intensity in and near the downtown and where urban services are readily available.
- B. Encourage development of architecturally designed townhomes and apartments that reflect the architectural character of the neighborhood to increase residential densities in CA-3, CA-3B, CA-4, and CA-5 districts.
- C. Encourage mixed use in CA-4 and CA-5 areas.

Goal CD-3: Quality Growth - *Make higher density areas dynamic, attractive and desirable places to live and operate businesses.*

#### **Policies**

- B. Arrange land uses to focus public activity in CA-3B, CA-4 and CA-5 districts.

### Chapter 4, Land Use

Goal LU-1: Efficient Land Use - *Achieve an efficient use of land in and around Sandpoint, reducing pressure to expand into the Area of City Impact to accommodate population growth.*

#### **Policies**

- A. Encourage increased density in CA-3 and CA-4 areas while requiring multi-family housing to respect neighborhood character.
- B. Encourage provision of housing above ground floor retail in CA-3B, CA-4 and CA-5 districts.

Goal LU-2: Traditional Patterns - *Emulate traditional neighborhood development in areas identified for more intensity; ensuring new population is housed close to services.*

#### **Policies**

- A. Mix land uses in CA3-B, CA4 and CA-5 areas.
- B. Encourage development of attached housing types in and around Downtown.
- C. Encourage development of single-family housing on small, 5,000 to 7,000 square foot or less, parcels within CA-2 and CA-3 areas.

Goal LU-3: Downtown Vitality - *Have a prosperous and bustling Downtown.*

**Policies**

- A. Encourage provision of lodging and residential use in the downtown.

**Chapter 5, Housing**

Goal H-1: Housing Variety - *Provide a variety of housing types across income levels in Sandpoint.*

**Policies**

- A. Encourage diversity in housing types by permitting detached, duplex, townhouse, stacked flats, ADUs and other types as appropriate in land use districts.
- C. Help reduce household transportation costs by locating housing near daily needs.
- D. Blend mixed densities in neighborhoods to provide for income diversity among neighborhood residents while ensuring that the bulk, mass or scale of any individual development does not dominate a street.

Goal H-2: Existing Neighborhoods - *Protect and enhance the charm and comfort of Sandpoint's existing neighborhoods.*

**Policies**

- A. Implement appropriate controls in consideration of transition areas between existing neighborhoods and adjoining CA-3B, CA-4 and CA-5 districts.

**Chapter 8, Public Services, Facilities & Utilities**

Goal PS-1: Public Services - *Provide public services to keep pace with changes in community demand, while increasing sustainability to reduce infrastructure cost.*

**Policies**

- C. Arrange land uses and public services systems to make them as efficient as practicable.

**Chapter 9, Economic Development**

Goal E-3: Workforce Needs - *Provide Sandpoint workers with affordable housing options near jobs, public transportation, and non-motorized transportation options.*

**Policies**

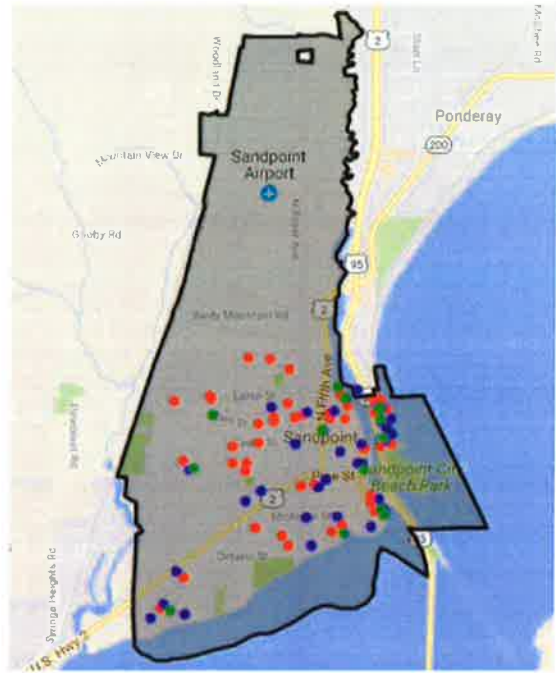
- A. Encourage diversity of housing types as appropriate in land use districts.

### 3. Tourist Home statistics:

Current number of permitted vacation rentals in Residential Zones (RM &RS) is: **57**

Approximately half the permitted Vacation homes within residential zones are located in the Condo Del Sol, Westwood, and Drift Wood Cottages, which are areas where the buffer is not required. This does not include rentals within the commercial zones (i.e. Seasons) which currently only require a business license.

The total approximate number of vacation rental *listings* (with or without permit) throughout the City (in all zones) is **150** (see attached graphic provided by Host Compliance, LLC)



#### **4. Motion:**

*If approving:*

"I move the Sandpoint City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code approve and adopt the proposed amendments to Title 3, Chapter 12 and Title 9, Chapter 4 of Sandpoint City Code.

The reasons for this decision are:

1. Particular consideration has been given to the effects of these proposed changes upon the health, safety and welfare of the residents and the delivery of services by any political subdivision providing public services, including school districts, within the City of Sandpoint.
2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code 67-6511 and Sandpoint City Code Title 9, Chapter 9.
3. The proposed amendments are accordance with the goals and policies of the Sandpoint Comprehensive Plan.

*If denying:*

"I move the Sandpoint City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code DENY the proposed amendments to Title 3, Chapter 12 and Title 9, Chapter 4 of Sandpoint City Code.

The reasons for this decision are:

1. Particular consideration has been given to the effects of these proposed changes upon the health, safety and welfare of the residents and the delivery of services by any political subdivision providing public services, including school districts, within the City of Sandpoint.
2. Staff has followed the notice procedures applicable to zone changes contained in Idaho Code 67-6511 and Sandpoint City Code Title 9, Chapter 9.
3. The proposed amendments are not in accordance with the goals and policies of the Sandpoint Comprehensive Plan.



## Chapter 12

### SHORT TERM RENTAL OF DWELLING UNITS

#### 3-12-1: PURPOSE:

#### 3-12-2: DEFINITIONS:

#### 3-12-3: VACATION RENTAL OCCUPANCY REQUIREMENTS:

#### 3-12-4: STANDARDS:

#### 3-12-5: VIOLATION; INFRACTION; PENALTY;

#### 3-12-1: PURPOSE:

The purpose of this chapter is to safeguard the public health, safety and general welfare in order to protect the integrity of the city's residential neighborhoods by limiting and regulating the vacation home rental occupancy of dwelling units.

In the adoption of these regulations, the city finds that the rental of dwelling units for periods of thirty (30) days or less has the potential to be incompatible with surrounding residential uses. Therefore, special regulation of dwellings used for vacation home rental occupancy is necessary to ensure that these uses will be compatible with surrounding residential uses and will not materially alter the neighborhoods in which they are located.

#### 3-12-2: DEFINITIONS:

LOCAL CONTACT PERSON: An area property manager, owner, or agent of the owner, who is readily available to respond to tenant and neighborhood or city questions or concerns.

MANAGING AGENCY OR AGENT: A person, firm or agency representing the owner of the tourist home rental, or a person, firm or agency owning the tourist home rental.

OWNER: The person or entity that holds legal and/or equitable title to the private property. A long term lease satisfies the equitable title provision if the legal owner consents to licensing. The owner may act through an agent or property manager, but the owner shall remain responsible for compliance with these provisions.

VACATION HOME: A residence, including a single-family unit or a multi-family unit, which is rented for the purpose of overnight lodging for a period of not less than two (2) days and not more than thirty (30) days. Rentals for less than two (2) days shall be considered a motel and regulated accordingly. Vacation homes are also commonly referred to as tourist homes, bed and breakfast establishments or vacation rentals.

VACATION HOME RENTAL OCCUPANCY: The use of a dwelling unit, or a portion thereof by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of time less than thirty (30) but at least two (2) days, counting portions of days as full days. "Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property. Home exchanges where money is not transferred shall be excluded from this definition.

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**Deleted:** See subsection 3-12-4A2d of this chapter for specific requirements for local contact person.

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**Deleted:** VACATIONER: Any person or persons who occupy, possess or are entitled to occupancy or possession by reason of any rental agreement, concession, permit, right of access, license, timesharing arrangement, or any other type of agreement where monetary transactions occur for a period of two (2) days and less than thirty (30) consecutive calendar days, counting portions of calendar days as full days. (Ord. 1281, 5-15-2013)



### 3-12-3: VACATION RENTAL OCCUPANCY REQUIREMENTS:

- A. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent a dwelling unit for vacation rental occupancy within the city without obtaining a vacation rental permit.
- B. Permits for vacation rentals may be allowed subject to all provisions of this chapter.
- C. Occupancy Tax: Compliance with the requirements of chapter 10, "Hotel/Motel Occupancy Tax", of this title is required.
- D. A vacation rental permit is issued to a specific owner of a dwelling unit. The vacation rental permit shall be revoked when the permit holder sells or transfers the real property which was rented pursuant to the vacation rental permit except as provided below. For purposes of this section, "sale or transfer" shall mean any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not except a change in ownership where title is held in survivorship with a spouse or child or transfers on the owner's death to a trust which benefits only a spouse or child for their lifetime. A permit holder may transfer ownership of the real property to: a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity.
- E. Within the residential zones, no vacation rental shall be located within three hundred feet (300') of a parcel on which any other vacation rental is located, except as provided herein. The three hundred foot (300') buffer distance shall be measured from the edges of the legally described parcel on which the vacation rental home is located.
1. Where the vacation rental unit is included in a multi-unit development with the following standards:
- a. Such development must include not less than ten (10) units.
  - b. Such development must include property that adjoins the waterfront.
2. Where approved for a greater vacation rental density as part of an approved planned unit development. Existing approved planned unit developments must be formally amended to be eligible for this greater density.
3. Where rooms are rented within an owner occupied primary dwelling unit.
4. Where the vacation rental unit is a permitted accessory dwelling unit. However, a principal dwelling and its associated accessory dwelling unit may not be concurrently permitted for short-term occupancy.
- F. A vacation home rental permit is issued to a specific owner of a dwelling unit. When the permit holder sells or transfers the real property, the new owner shall apply for and receive a vacation home rental permit before using the dwelling as a vacation home rental. New owners will only be

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**Deleted:** c. Such development must include recreational amenities for its tenants.

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issued a vacation home rental permit where the required three hundred foot (300') buffer can be satisfied.

### 3-12-4: STANDARDS:

A. The vacation rental occupancy of a dwelling unit, as permitted by section 3-12-3 of this chapter, shall comply with the following standards:

1. Permit:

- a. Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for vacation home rental occupancy shall have obtained a vacation home rental permit before the rental of the dwelling for vacation home rental occupancy. Application for such a permit shall be made upon suitable forms furnished by the city. The permit is valid for one year, or the remainder of the calendar year in which the permit is issued, and must be renewed annually. Renewal of the permit requires a complete permit application and fee no later than January 1 for the calendar year. If a complete application and applicable fee have not been received by the city within forty five (45) days of the annual renewal date, the vacation home rental occupancy of the dwelling unit shall be conclusively presumed to be discontinued and the city shall ~~revoke the vacation home rental permit.~~

2. Issuance: The issuance of a vacation home rental permit shall be subject to the following requirements:

a. Inspection:

- (1) At the time of application for a new vacation home rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the vacation home rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the ~~requirements of this chapter.~~
- (2) All ~~applicants~~ that have a vacation home rental permit ~~shall be required to submit a notarized statement affirming compliance with a city provided self-inspection checklist affirming compliance with the standards set forth in this chapter~~ annually. Such ~~statement~~ shall ~~be submitted with the~~ complete application and applicable fee required for ~~the annual vacation rental permit renewal.~~
- (3) Any inspections required under ~~this chapter~~ may be conducted by a private inspector certified by the International Code Council at the owner's expense.

~~b. Bedroom windows shall be operable to allow for emergency egress. All emergency escape windows shall have a minimum five and seven tenths (5.7) square foot net opening with a maximum sill height of forty-four (44) inches.~~

~~c. Single or multiple-station smoke alarms shall be installed and maintained in accordance with manufacturers specification:~~

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**Deleted:** b. The city shall issue the permit where it finds the standards of subsection A2 of this section are met. -

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**Deleted:** A condition of granting the annual vacation home rental permit is that the owner of the dwelling shall make any necessary alterations to the dwelling required by the building official pursuant to the most recently adopted version of the international residential code, and any applicable section of the international fire code. The required alteration shall be completed within thirty (30) days of the building official's notification of the required alterations. A failure to complete the

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(1) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.

(2) In each room used for sleeping purposes.

(3) In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

d. A CO Detector is required on each floor if: there is a garage, solid fuel appliance or gas appliance

e. The vacation rental shall be equipped with a minimum of one 2A:10BC type extinguisher; at least one such extinguisher is required per floor. Fire extinguishers(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three and five feet above the floor, and shall be accessible to occupants at all times.

f. Occupancy: No recreational vehicle, travel trailer, tent or other temporary shelter shall be used as a vacation rental.

g. Local Representative:

(1) Each vacation home rental shall list a local representative who permanently resides within twenty (20) vehicular miles of Sandpoint city limits.

(2) If the police department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to subsection 3-12-5B of this chapter.

(3) The designated local representative may be changed by the permit holder from time to time throughout the term of the permit. However, to change the local representative, the permit holder must file a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the city of a change in the local representative constitutes a violation pursuant to subsection 3-12-5B of this chapter.

(4) Within the residential zones, property owners and/or residents within two hundred feet (200') of the dwelling shall be provided with the name and telephone number of the owner or the local representative prior to use of the dwelling as a vacation rental. The permit holder shall provide documentation to the city of this notification through a notarized statement and list of the owners and/or residents contacted. The purpose of this notification is so that adjacent property owners and residents can contact the responsible person to report and request the resolution of problems associated with the operation of the vacation home rental. Failure to provide this required notification constitutes a violation pursuant to section 3-12-5 of this chapter and that violation shall be counted in the number of violations assessed against the permit pursuant to section 3-12-5 of this chapter. Notification shall not be required for units identified in section 3-12-3-E1, E2 and E3 of this chapter.

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h. Permit Posting: The vacation home rental permit shall be posted within the dwelling adjacent to the front door. At a minimum, the permit will contain the following information:

- (1) The name of the local representative and a telephone number where the representative may be reached;
- (2) The name and a telephone number where the property owner can be reached;
- (3) The telephone number and website address of the city of Sandpoint and the Sandpoint police department;
- (4) The maximum number of occupants permitted to stay in the dwelling;
- (5) The solid waste and recycling collection day; and
- (6) The Sandpoint snowplowing regulations.

i. Inactivity: License issuance and continued validity shall be contingent upon the owner's good faith effort to actively engage in the rental of the property. Failure to provide documentation of rental activity for a minimum of twelve (12) nights during a twelve (12) month period, pro-rated quarterly, prior to the vacation rental permit renewal deadline shall constitute an immediate forfeiture of the license.

### 3-12-5: VIOLATION; INFRACTION; PENALTY;

The following conduct shall constitute a violation for which the penalties and sanctions specified in this section may be imposed:

#### 1. Violations:

- a. The tenants of the dwelling have created noise, disturbances, or nuisances, in violation of this code, or violations of state law pertaining to the consumption of alcohol, or the use of illegal drugs.
- b. The owner has failed to comply with the standards of section 3-12-4 of this chapter.

#### 2. Penalties:

- a. For the first two (2) violations within a twelve (12) month period, the sanction shall be a warning notice.
  - b. For the third violation within a twelve (12) month period, the sanction shall be a revocation of the permit.
3. Written Notice: The city shall provide the permit holder with a written notice of any violation of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.

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The property owner or the designated local representative shall be required to include the current vacation rental unit permit number and authorized maximum occupancy on or in any advertisement appearing in any newspaper, magazine, brochure, television, trade paper, internet website, etc., that promotes the availability or existence of a vacation rental unit in a place or location deemed acceptable by the planning director or designee. In the ... (8)

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Aaron Qualls 7/5/2017 12:07 PM

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4. Appeal Of Suspension or Revocation: Pursuant to this section, the city shall provide the permit holder with a written notice of the permit suspension or revocation and the reasons therefore. The permit holder may appeal the suspension or revocation to the city council by filing a letter of appeal to the city clerk within twenty (20) days after the date of the mailing of the planning director's order to suspend or revoke the permit. The planning director's suspension or revocation shall be stayed until the appeal has been determined by the city council. The city council shall conduct a hearing on the appeal within sixty (60) days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision of the planning director to suspend or revoke the permit based on the evidence received.

5. Application For Permit After Revocation: A person who has had a vacation home rental permit revoked shall not be permitted to apply for a permit at a later date.

6. Infraction: Unless otherwise provided, any person who shall commence or continue to operate a short term rental for which a permit is required by any provision of this title without first procuring the same shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined one hundred dollars (\$100.00). An infraction is a civil public offense, not constituting a crime, for which no period of incarceration is imposed. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Aaron Qualls 7/5/2017 12:08 PM

**Deleted:** subsection B

Aaron Qualls 7/5/2017 12:10 PM

**Deleted:** for that suspension

Aaron Qualls 7/5/2017 12:11 PM

**Deleted:** with

Aaron Qualls 7/5/2017 12:11 PM

**Deleted:** planning

Aaron Qualls 7/5/2017 12:11 PM

**Deleted:** director

Aaron Qualls 7/5/2017 12:13 PM

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Aaron Qualls 7/5/2017 12:13 PM

**Deleted:** 5. Revocation: Pursuant to subsection B2d of this section, the city shall provide the permit holder with a written notice that it intends to revoke the permit and the reasons for the revocation. The city council shall hold a hearing on the proposed revocation of the permit. At the hearing, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may determine not to revoke the permit, attach conditions to the permit, or revoke the permit. [12]

Aaron Qualls 7/5/2017 12:19 PM

**Deleted:** C. The following conduct shall constitute a violation for which the penalties and sanctions specified in subsection C2 of this section may be imposed: [13]

1. A dwelling for which there is a vacation rental business registration or conditional use permit for vacation rental issued by the city on the effective date hereof and where a vacation rental permit has been issued to the owner of that dwelling.
  2. Any dwelling for which there is no vacation rental business registration or conditional use permit, whether the use existed prior to the effective date hereof or is a new vacation rental unit, may be issued a vacation rental permit. Such units are required to obtain both the applicable business registration and vacation rental permit within ninety (90) days of the effective date hereof.
  3. Any dwelling for which no prior vacation rental business registration or conditional use permit exists and the required business registration and vacation rental permit are not obtained within ninety (90) days of the effective date hereof may only be issued a new vacation rental permit subject to the vacation rental density restrictions of this chapter.
  4. A dwelling which has been approved for use as a bed and breakfast establishment.
- C. In the commercial A, B or C and MUR zones, the rental of a dwelling, or portion thereof for vacation rental occupancy shall be considered a motel and subject to compliance with the requirements of [chapter 10](#), "Hotel/Motel Occupancy Tax", of this title.
- D. The vacation rental occupancy of a dwelling unit, as permitted by subsection B1, B2, or B3 of this section shall comply with the standards of section [3-12-4](#) of this chapter.
- E. No owner shall be issued a new vacation rental permit that holds another vacation rental permit, except as provided below. Converting or replacing a vacation rental business license that exists on the effective date hereof into or with a vacation rental permit is not considered the issuance of a new vacation rental permit. If the owner is a natural person, or where the natural person has transferred his property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a vacation rental permit. If the owner is a business entity such as a partnership, a corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit that has a vacation rental permit. For the purpose of calculating total units under ownership and permitting, units identified in subsection G1 of this section shall not be included.

- o owner shall be issued a new vacation rental permit that holds another vacation rental permit, except as provided below. Converting or replacing a vacation rental business license that exists on the effective date hereof into or with a vacation rental permit is not considered the issuance of a new vacation rental permit. If the owner is a natural person, or where the natural person has transferred his property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a vacation rental permit. If the owner is a business entity



such as a partnership, a corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such a person can have an ownership right, title, or interest in no more than one dwelling unit that has a vacation rental permit. For the purpose of calculating total units under ownership and permitting, units identified in subsection G1 of this section shall not be included.

3. Where the vacation rental existed prior to adoption of this chapter as provided for in subsection B1 of this section. The three hundred foot (300') buffer distance shall be measured from the edges of the legally described lot on which the vacation rental home is located but shall not include lot boundaries of units operating in accordance with subsection G1 of this section.

Page 3: [3] Deleted

Aaron Qualls

8/10/17 12:44 PM

A condition of granting the annual vacation home rental permit is that the owner of the dwelling shall make any necessary alterations to the dwelling required by the building official pursuant to the most recently adopted version of the international residential code, and any applicable section of the international fire code. The required alteration shall be completed within thirty (30) days of the building official's notification of the required alterations. A failure to complete the alterations within the specified time period may result in the revocation of the permit pursuant to the procedure of subsection 3-12-5C5 of this chapter.

Page 4: [4] Deleted

Aaron Qualls

8/10/17 12:30 PM

Inspection:

(1) At the time of application for a new vacation home rental permit pursuant to subsection [3-12-3B](#) of this chapter, the dwelling unit shall be subject to inspection by the building official or their designee. The purpose of the inspection is to determine the conformance of the dwelling with the requirements of the most recently adopted version of both the international residential code, and any applicable section of the international fire code. Prior to the issuance of the vacation home rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the international residential code and international fire code.

(2) All dwellings that have a vacation home rental permit will be reinspected annually. Such reinspection shall occur no less than sixty (60) days prior to submittal of the complete application and applicable fee required for its annual renewal. A condition of granting the annual vacation home rental permit is that the owner of the dwelling shall make any necessary alterations to the dwelling required by the building official pursuant to the most recently adopted version of the international residential code, and any applicable section of the international fire code. The required alteration shall be completed within thirty (30) days of the building official's notification of the required alterations. A failure to complete the alterations within the specified time period may result in the revocation of the permit pursuant to the procedure of subsection [3-12-5C5](#) of this chapter.

(3) Any inspections required under subsection A2a(1) or A2a(2) of this section may be conducted by a private inspector certified by the International Code Council at the owner's expense.

Page 4: [5] Deleted

Aaron Qualls

7/5/17 11:36 AM

(2) The property owner or the designated local representative shall maintain a guest and vehicle register for each tenancy of the vacation home rental. The register shall include the names, home addresses and phone numbers of the tenants; the vehicle license plate numbers of all vehicles used by the tenants; and the date of the rental period and the total number of occupants per rental. The above information must be available for city inspection upon request; failure to maintain or provide the required information constitutes a violation and is grounds for a penalty pursuant to section [3-12-5](#) of this chapter.

(3) The local representative must be authorized by the owner of the dwelling to respond to tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for vacation home rental purposes. The local representative must respond to those complaints in a timely manner to ensure that the use of the dwelling complies with the standards for vacation home rental occupancy, as well as other pertinent city ordinance requirements pertaining to noise, disturbances, or nuisances, as well as state law pertaining to the consumption of alcohol, or the use of illegal drugs.

Page 4: [6] Deleted

Aaron Qualls

7/5/17 11:45 AM

and that violation shall be counted in the number of violations assessed against the permit pursuant to subsection [3-12-5B2](#) of this chapter

Page 4: [7] Deleted

Aaron Qualls

7/5/17 11:44 AM

and that violation shall be counted in the number of violations assessed against the permit pursuant to subsection [3-12-5B2](#) of this chapter.

Page 5: [8] Deleted

Aaron Qualls

7/5/17 12:00 PM

The property owner or the designated local representative shall be required to include the current vacation rental unit permit number and authorized maximum occupancy on or in any advertisement appearing in any newspaper, magazine, brochure, television, trade paper, internet website, etc., that promotes the availability or existence of a vacation rental unit in a place or location deemed acceptable by the planning director or designee. In the instance of audio only advertising of the same, the vacation rental unit permit number shall be read as part of the advertising.

- B. Variance from the standards of subsection A of this section shall not be permitted. (Ord. 1281, 5-15-2013)

- A. Violation of this chapter shall constitute a misdemeanor, punishable as provided in Idaho Code section 18-113. For purposes of this section, "violation" shall mean a violation which has been finally adjudicated in a court of competent jurisdiction. In addition, any valid vacation home rental permit shall be revoked. The following conduct shall constitute a violation:
1. Any property owner, or person acting as an agent for the property owner, such as a motel, real estate broker or property manager, who arranges or otherwise provides for the vacation home rental occupancy of a dwelling unit in violation of the provisions of this section; or
  2. The owner has failed to pay the hotel/motel occupancy tax (also known as the resort city tax) as required by [chapter 10](#) of this title.
- B.

- c. For the fourth violation within a twenty four (24) month period, the sanction shall be a suspension of the permit for ninety (90) days.
- d. For the fifth violation within a twenty four (24) month period, the sanction shall be a revocation of the permit.

5. Revocation: Pursuant to subsection B2d of this section, the city shall provide the permit holder with a written notice that it intends to revoke the permit and the reasons for the revocation. The city council shall hold a hearing on the proposed revocation of the permit. At the hearing, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may determine not to revoke the permit, attach conditions to the permit, or revoke the permit.

C. The following conduct shall constitute a violation for which the penalties and sanctions specified in subsection C2 of this section may be imposed:

1. Violation: The owner has failed to comply with the standards of section 3-12-4 of this chapter.

2. Penalties:

a. For the first violation within a twelve (12) month period, the sanction shall be a warning notice.

b. For the second violation within a twelve (12) month period, the sanction shall be a suspension of the permit for thirty (30) days.

c. For the third violation within a twelve (12) month period, the sanction shall be a suspension of the permit for ninety (90) days.

d. For the fourth violation within a twelve (12) month period, the sanction shall be a revocation of the permit.

3. Written Notice: The city shall provide the permit holder with a written notice of any violation of this subsection C that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.

4. Appeal Of Suspension: Pursuant to subsection C3 of this section, the city shall provide the permit holder with a written notice of the permit suspension and the reason for that suspension. The permit holder may appeal the suspension to the city council by filing a letter of appeal with the city planning director within twenty (20) days after the date of the mailing of the planning director's order to suspend the permit. The planning director's suspension shall be stayed until the appeal has been determined by the city council. The city council shall conduct a hearing on the appeal within sixty (60) days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision of the planning director to suspend the permit based on the evidence it received.

5. Revocation: Pursuant to subsection C2d of this section, the city shall provide the permit holder with a written notice that it intends to revoke the permit and the reasons for the revocation. The city council shall hold a hearing on the proposed revocation of the permit. At the hearing, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may determine not to revoke the permit, attach conditions to the permit, or revoke the permit.

6. Application For Permit After Revocation: A person who has had a vacation home rental permit revoked shall not be permitted to apply for a permit at a later date. (Ord. 1281, 5-15-2013)

## ***Residential Single-Family (RS) Zone Proposed Use Changes as They Apply to Vacation Rentals***

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### **9-4-1-2: USE REGULATIONS:**

The use regulations are intended to create, maintain and promote single dwelling neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall image and character of the single dwelling neighborhood.

The following regulations shall apply:

P = Permitted use

C = Conditional use<sup>1</sup>

N = Not permitted

<del>Bed and breakfast.</del>		
<del>4 rented rooms or less</del>		<del>C</del>
<del>5 rented rooms or more</del>		<del>N</del>
<del>Performance standards that apply to bed and breakfast uses in this zone consist of, but are not limited to, the following criteria:</del>		
<del>A. The premises must be owner occupied.</del>		
<del>B. There must be 1 parking space for the owner, plus 1 parking space available for every 2 bedrooms rented.</del>		
<del>Tourist homes</del>	<del>-</del>	<del>P</del>
<u>Vacation homes subject to the licensing requirements set forth in title 3, chapter 12 of this code</u>	<u>-</u>	<u>P</u>

## ***Residential Multi-Family (RM) Zone Proposed Use Changes as They Apply to Vacation Rentals***

### **9-4-2-2: USE REGULATIONS:**

These use regulations are intended to create opportunities for new types of housing that seamlessly integrate with existing neighborhoods in the area. The regulations allow for a wider range of housing types compared to residential single-family (RS) in order to create a denser neighborhood form.

The following regulations shall apply:

P = Permitted use

C = Conditional use<sup>1</sup>

N = Not permitted

~~Bed and breakfast.~~

~~4 rented rooms or less~~

~~P~~

~~5 rented rooms or more~~

~~C~~

~~Performance standards that apply to bed and breakfast uses in this zone consist of, but are not limited to, the following criteria:~~

~~A. The premises must be owner occupied.~~

~~B. There must be 1 parking space for the owner, plus 1 parking space available for every 2 bedrooms rented.~~

Tourist **Vacation** homes subject to the licensing requirements set forth in title 3, chapter 12 of this code

P



***Rural Residential RR-1 Zone Proposed Use Changes as They Apply to  
Vacation Rentals***

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**9-4-4: RURAL RESIDENTIAL RR-1 ZONE:**

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, horticultural uses for personal use only and not for profit with the exception of tree farms, home occupations, a dwelling unit with an attached or detached accessory dwelling unit as provided for in section 9-1-8 of this title, ~~tourist~~ **Vacation** homes **subject to the licensing requirements set forth in title 3, chapter 12 of this code** and parks.

Also permitted are fairground facilities, related events and activities lawfully established prior to the effective date of this section. (A list dated January 13, 1998, of the qualifying facilities, related events and activities which were lawfully established prior to the effective date of this section was provided by the Fair Association and shall be filed with the Sandpoint city clerk by Bonner County.)

**MINUTES**  
**REGULAR MEETING OF THE SANDPOINT CITY COUNCIL**  
**September 6, 2017**

**E. PUBLIC HEARING – CONTINUED FROM JUNE 2, 2017 – PROPOSED REVISIONS TO SANDPOINT CITY CODE TITLE, 3 CHAPTER 12 – SHORT TERM RENTAL OF DWELLING UNITS**

**Mayor Rognstad** announced that this public hearing was also continued from the July 19, 2017 regular City Council meeting. Notice of public hearing was published in the Bonner County Daily Bee on August 16, 2017.

Planning and Economic Development Director Aaron Qualls read comments recently received into the record. **Herm and Darlene Pfahl**, residents of Westwood Village, are concerned that Westwood is classified as a resort community even though their CCRs state they are not. They are requesting that Westwood be classified as a residential community, not a resort. They do not want short term rentals to be allowed as these renters are not as responsible as those who rent for a longer term.

**Vicki Dolsby**, representing the Homeowners Association Board of the Westwood Village, raised concern about vacation unit rentals in their residential community. Westwood Village is neither seasonal nor primarily occupied on a short-term basis. More than one-third of their owners occupy their units as full-time residence. Most of the other units are occupied by their owners which typically can amount to nearly one-half a year and are rented out the remainder of the year. She requested that Westwood Village be redefined solely as a residential area or that the clause for resort communities be rewritten to specifically for those developments to which resort community designation would be applied.

**Dave Mudra**, stated he has owned a condo at Westwood for over 25 years. As a resident of Westwood Village, he is concerned about having vacation unit rentals in their residential community. Westwood Village is neither seasonal nor primarily occupied on a short-term basis. He requested that Westwood be redefined as solely a residential area.

**C.K. Chehock**, reiterated the same concerns from other Westwood Village residents.

**Councilman Snedden** noted that in the notice it provides that written testimony was to be submitted by August 31<sup>st</sup> and asked if it was optional to accept testimony past the deadline. Aaron Qualls replied that the Planning Department will read comments under one page into the record. City Attorney Scot Campbell advised that comments received late do not have to be accepted and do not have to be read into the record. Aaron Qualls said they received similar comments from seven residents from Westwood Village, opposing the proposed amendments. City Code provides that tourist homes are not permitted within 300 feet of another with the exception of multi-family waterfront developments that contain 10 or more units. Westwood Village has 79 units. He reviewed the proposed changes since the last City Council meeting. One of the slight changes is whether to exempt accessory dwelling units from the 300-foot buffer. We are adding emergency egress requirements for fire along with the requirement to install carbon dioxide detectors and fire extinguishers. No more than one vacation rental per owner is stricken and an infraction section was added to the

**MINUTES**  
**REGULAR MEETING OF THE SANDPOINT CITY COUNCIL**  
**September 6, 2017**

ordinance to provide for enforceability.

**Mayor Rognstad** announced that the hearing will be conducted in compliance with the previous rules of procedure read.

**Bernard Sheldon** said he is a property owner in Westwood Village during the summer only and is a member of the Westwood Village Homeowners Association Board. He raised concern with the lack of regulations relating to density of vacation rentals. Should all owners of the 79 units convert to short-term rentals, there's nothing preventing it from becoming a large hotel. One-third of the owners are full time residents and are solely their place of residence. He said he didn't know how their development was designated as a resort community. They currently have four permitted vacation rentals in Westwood. A majority of the units are detached single family homes or are townhouses. He said they resemble single family residential units and would prefer to be designated the same. City Code currently relates to a development constructed for short term or seasonal use. This type of designation does not apply to Westwood. He suggested that City Council look at the last section of the new proposed code as to how the violations are defined and enforcement. It's not clear about the process or how enforcement is carried out relating to noise or disturbances.

Mr. Sheldon replied to **Councilman Snedden** that new state laws prohibit homeowners associations from enforcing without a signed agreement from the owners. He has an understanding that they could have a regulation within their CCRs but it would only apply to new owners. He replied to **Councilwoman Williamson** that they've had one new owner within the last six weeks who listed their unit on Air B&B prior to obtaining a permit. They have had several situations with disturbances by short term renters.

**Steve Lockwood**, Sandpoint resident, said he supports the City's regulations on vacation rentals.

**Molly O'Reilly**, Sandpoint resident, felt the 300-foot buffer was important. The reason for allowing accessory dwelling units was to encourage affordable housing. A professor from the University of Idaho Urban Development Division has raised concern that small towns in Idaho don't write careful codes that can deter affordable housing.

**Mayor Rognstad closed the public hearing.**

Aaron Qualls said the reason for striking the language that there can be only one permit per owner is because it can be challengeable due to private property rights. City Attorney Scot Campbell confirmed there are private property rights when operating short term and long-term rentals. The State Legislature passed this law that will become effective January 1<sup>st</sup>. He stressed the City needs to make changes to City Code prior to the law going into effect. Westwood Village can't put a restriction on short term rentals particularly for those that already exist within the development. If City Council decides their development is not appropriate for short term rentals, then they can make a finding that Westwood is a

**MINUTES**  
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**September 6, 2017**

residential area. Aaron Qualls noted that a buffer would apply if a rental is under 30 days.

**Councilwoman Williamson** asked, if a designation was changed for this community, whether the existing four units could be grandfathered in or would have to comply with the buffer zone. Aaron Qualls replied they could be grandfathered in. **Councilwoman Williamson** supported changing the designation of Westwood from a resort community and grandfathering in the four units as permitted short term rentals. Aaron Qualls stated Westwood Village was developed prior to being annexed into the City. He said he could research the intent of the development at that time.

**Cam Major** stated she is a full-time resident of Westwood Village. Westwood Village had the first or second condo unit in the State of Idaho in 1973. It was intended as a residential community and never intended as a resort community. She said she has the original documents that states that Westwood Village is a residential community. Aaron Qualls said in 2013 when the City first adopted the short-term rental ordinance, a concession was made for three areas; Condo Del Sol, Westwood Village and Driftwood Apartments to allow short term rentals in these developments. At that time, the Sandpoint Planning and Zoning Commission and Sandpoint City Council felt they were an appropriate use for more density of vacation rentals because it was on the water and there were a large number of units.

**Councilman Snedden** commented that he was sympathetic to Westwood residents. He raised concern with the approach taken which is finding that their development was not intended for seasonal or short-term rentals. We may need to revise Section E-1. He suggested postponing this issue to the next City Council meeting in October and that City staff bring back a revised version. Aaron Qualls suggested bringing this issue to the first meeting in November at the latest in order to meet the deadline of January 1<sup>st</sup>. **Councilwoman Ruehle** suggested that City staff conduct research on the other two condominium developments in order to follow through with the original intent. Scot Campbell advised that none of these developments were specifically designed as a resort community.

**Councilman Snedden moved** to table this matter to the October 18, 2017, City Council meeting. **Councilwoman Ruehle seconded the motion.**

A roll call vote of Council resulted as follows:

Councilwoman Williamson	Yes
Councilman Eddy	Yes
Councilwoman Ruehle	Yes
Councilman Aitken	Yes
Councilman Camp	Yes
Councilman Snedden	Yes

**The motion passed by a unanimous vote of Council.**

From: webmaster@cityofsandpoint.com  
Subject: Sandpoint, ID: Website Planning Form Submission  
Date: October 5, 2017 at 4:54 PM  
To: cityplanning@sandpointidaho.gov



A new entry to a form/survey has been submitted.

**Form Name:** Contact Us (Planning)  
**Date & Time:** 10/05/2017 4:54 PM  
**Response #:** 82  
**Submitter ID:** 5594  
**IP address:** 67.21.186.30  
**Time to complete:** 1 min. , 6 sec.

#### Survey Details

##### Page 1

Fields marked by asterisks (\*) are required.

<b>Name*</b>	Patricia Stevens	<b>Email Address*</b>	
<b>Phone Number</b>		<b>Address</b>	Westwood
<b>Address 2</b>	Not answered	<b>City</b>	Court
<b>State</b>	Idaho	<b>ZIP Code</b>	Sandpoint
<b>Comments*</b>			83864

Dear Planning Department:

I am writing to you to express my concerns about the current zoning of Westwood Village in Sandpoint. Our current zoning, as you probably know, is a resort community. I believe this zoning was made in error, as Westwood has always been a residential community.

Having lived at Westwood for 11 years, I can attest to the residential quality of my home. The homeowners here enjoy our neighborhood and value our close knit community. I am one of the 14 property owners who live here on a full time basis. All of the people who are homeowners here are in residence for some part of the year. These people are mostly long term owners who are committed to maintaining the value of our property and the residential atmosphere we enjoy.

I would like to ask you to support the rezoning of Westwood Village from a resort community to a residential community. Westwood Village is a neighborhood community in Sandpoint. We are no different from any other area of the city where neighbors live together. Prior at living at Westwood I lived in another local neighborhood

for 20 years and see no difference between that neighborhood and my current one.

Thanks you for your consideration of my views on this issue. I'm happy to discuss my letter with you if you want to contact me.

Sincerely,

Patricia Stevens  
Sandpoint Woman of Wisdom

Thank you,  
**Sandpoint, ID**

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This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.



**From:** Shelby Rognstad mayor@sandpointidaho.gov  
**Subject:** FW: Sandpoint, ID: Website Form Submission (Mayor)  
**Date:** September 5, 2017 at 1:59 PM  
**To:** Aaron Qualls aqualls@sandpointidaho.gov



Thoughts?

**From:** webmaster@cityofsandpoint.com [mailto:webmaster@cityofsandpoint.com]  
**Sent:** Sunday, September 3, 2017 4:47 PM  
**To:** Shelby Rognstad <mayor@sandpointidaho.gov>  
**Subject:** Sandpoint, ID: Website Form Submission (Mayor)

A new entry to a form/survey has been submitted.

**Form Name:** Contact Us (Mayor)  
**Date & Time:** 09/03/2017 4:47 PM  
**Response #:** 181  
**Submitter ID:** 5416  
**IP address:** 24.245.65.179  
**Time to complete:** 0 min. , 53 sec.

#### Survey Details

##### Page 1

Fields marked by asterisks (\*) are required.

**Name\*** Herm and Darlene Pfahl  
**Email Address\*** — m  
**Phone Number**  
**Address** Westwood Lane  
**Address 2** Not answered  
**City** Sandpoint, ID  
**State** Idaho  
**ZIP Code** 83864

**Comments\***

We are full time residents of Westwood Village and own our home. We are concerned about Westwood being classified as a "Resort Community". Our CC&R's clearly state we are not at resort. We are asking that Westwood Village be classified as a "residential community", not "resort".

We have NO public buildings. Our marina, swimming pool and tennis courts are paid for by our homeowners and not open to the public. We have no dining facility.

Several owners do rent their units out. The minimum stay is 7 days. We do not want one or two day rentals to be allowed, as we feel that such people are not as responsible as those who rent for longer terms. We do not want damage done to our facility or loud, partying types. We homeowners must foot the bill for caring for our facility.

**Attach a file:**

Thank you,  
**Sandpoint, ID**

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**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**

**From:** Shelby Rognstad mayor@sandpointidaho.gov  
**Subject:** FW: Sandpoint, ID: Website Form Submission (Mayor)  
**Date:** September 5, 2017 at 2:00 PM  
**To:** Aaron Qualls aqualls@sandpointidaho.gov

SR

**From:** webmaster@cityofsandpoint.com [mailto:webmaster@cityofsandpoint.com]  
**Sent:** Sunday, September 3, 2017 6:31 PM  
**To:** Shelby Rognstad <mayor@sandpointidaho.gov>  
**Subject:** Sandpoint, ID: Website Form Submission (Mayor)

A new entry to a form/survey has been submitted.

**Form Name:** Contact Us (Mayor)  
**Date & Time:** 09/03/2017 6:30 PM  
**Response #:** 182  
**Submitter ID:** 5417  
**IP address:** 24.245.65.179  
**Time to complete:** 1 min. , 51 sec.

#### Survey Details

##### Page 1

Fields marked by asterisks (\*) are required.

<b>Name*</b>	C K Chehock
<b>Email Address*</b>	
<b>Phone Number</b>	Not answered
<b>Address</b>	1 Westwood Lane
<b>Address 2</b>	Not answered
<b>City</b>	Sandpoint, ID
<b>State</b>	Idaho
<b>ZIP Code</b>	83864

**Comments\***

In regards to vacation rental regulation in Sandpoint, we as the Home Owners Association Board of the Westwood Village condominium development west of downtown write to you of our interest in this issue. As residents of Westwood Village we are very concerned about vacation unit rentals in our residential community and have chosen to follow the city's lead on regulating them.

Recently it has come to our attention that we are designated as a "resort community", which is thus not subject to rules related to density of vacation rentals. As defined by the city a resort community is defined as "...a multi-unit development constructed for seasonal or short-term occupancy..." (Sandpoint City Code 3-12-3G1). Westwood Village is neither seasonal nor primarily occupied on a short-term basis. More than one third of unit owners occupy their units as their principal, full time residence. Several other units are occupied by renters who have been residents for multiple years, continuously. Most of the other units are occupied by their owners on a regular, year-round basis for periods which typically can amount to nearly half a year- they are not rented out for the remainder of the year.

Therefore we respectfully request that we be redefined to be, as we are, solely a residential area. If the language in the ordinance is regarded as being so ambiguous as to prevent this (which we suggest is not the case) then we suggest that the relevant definitional clause for resort communities be rewritten to specifically call out the developments to which the resort community designation would be applied- we believe that there are only 2 or 3 which would need to be named.

Thank you for your attention to this matter.

**Attach a file:**

Thank you,  
**Sandpoint, ID**

---

**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**

From: **Shelby Rognstad** mayor@sandpointidaho.gov  
Subject: FW: Sandpoint, ID: Website Form Submission (Mayor)  
Date: September 5, 2017 at 2:00 PM  
To: Aaron Qualls aqualls@sandpointidaho.gov



**From:** webmaster@cityofsandpoint.com [mailto:webmaster@cityofsandpoint.com]  
**Sent:** Sunday, September 3, 2017 6:41 PM  
**To:** Shelby Rognstad <mayor@sandpointidaho.gov>  
**Subject:** Sandpoint, ID: Website Form Submission (Mayor)

A new entry to a form/survey has been submitted.

**Form Name:** Contact Us (Mayor)  
**Date & Time:** 09/03/2017 6:40 PM  
**Response #:** 183  
**Submitter ID:** 5424  
**IP address:** 24.245.65.179  
**Time to complete:** 2 min. , 57 sec.

#### Survey Details

##### Page 1

Fields marked by asterisks (\*) are required.

<b>Name*</b>	Vicki Dolsby
<b>Email Address*</b>	
<b>Phone Number</b>	Not answered
<b>Address</b>	Westwood Lane
<b>Address 2</b>	Not answered
<b>City</b>	Sandpoint, ID
<b>State</b>	Idaho
<b>ZIP Code</b>	83864
<b>Comments*</b>	

In regards to vacation rental regulation in Sandpoint, we as the Home Owners Association Board of the Westwood Village condominium development west of downtown write to you of our interest in this issue. As residents of Westwood Village we are very concerned about vacation unit rentals in our residential community and have chosen to follow the city's lead on regulating them.

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Thank you for your attention to this matter.

**Attach a file:**

Thank you,  
**Sandpoint, ID**

---

**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**



From: **Shelby Rognstad** mayor@sandpointidaho.gov  
Subject: FW: Sandpoint, ID: Website Form Submission (Mayor)  
Date: September 5, 2017 at 2:14 PM  
To: Aaron Qualls aqualls@sandpointidaho.gov



**From:** webmaster@cityofsandpoint.com [mailto:webmaster@cityofsandpoint.com]  
**Sent:** Monday, September 4, 2017 12:20 PM  
**To:** Shelby Rognstad <mayor@sandpointidaho.gov>  
**Subject:** Sandpoint, ID: Website Form Submission (Mayor)

A new entry to a form/survey has been submitted.

**Form Name:** Contact Us (Mayor)  
**Date & Time:** 09/04/2017 12:20 PM  
**Response #:** 185  
**Submitter ID:** 5451  
**IP address:** 96.18.216.112  
**Time to complete:** 1 min. , 7 sec.

#### Survey Details

##### Page 1

Fields marked by asterisks (\*) are required.

<b>Name*</b>	DAVE MUDRA
<b>Email Address*</b>	
<b>Phone Number</b>	not answered
<b>Address</b>	WESTWOOD LANE
<b>Address 2</b>	Not answered
<b>City</b>	SANDPOINT
<b>State</b>	Idaho
<b>ZIP Code</b>	83864

**Comments\***

To: City Council of Sandpoint  
Aaron Qualls (head of city planning)

We have owned a condo at Westwood for over 25 years and are winter residents of Westwood Village with frequent trips up from Clarkston, WA, during the warmer months. We have never rented out our condo.

In regards to vacation rental regulation in Sandpoint, as residents of Westwood Village we are very concerned about vacation unit rentals in our residential community and have chosen to follow the city's lead on regulating them.

Recently it has come to our attention that we are designated as a "resort community", which is thus not subject to rules related to density of vacation rentals. As defined by the city a resort community is defined as "...a multi-unit development constructed for seasonal or short-term occupancy..." (Sandpoint

City Code 3-12-3G1). Westwood Village is neither seasonal nor primarily occupied on a short-term basis. More than one third of unit owners occupy their units as their principal, full time residence. Several other units are occupied by renters who have been residents for multiple years, continuously. Most of the other units are occupied by their owners on a regular, year-round basis for periods which typically can amount to nearly half a year- they are not rented out for the remainder of the year.

Therefore we respectfully request that we be redefined to be, as we are, solely a residential area. If the language in the ordinance is regarded as being so ambiguous as to prevent this (which we suggest is not the case) then we suggest that the relevant definitional clause for resort communities be rewritten to specifically call out the developments to which the resort community designation would be applied- we believe that there are only 2 or 3 which would need to be named.

We have NO public buildings. Our marina, swimming pool and tennis courts are paid for by our homeowners and not open to the public. We have no dining facility.

Several owners do rent their units out. The minimum stay in the past has been 7 days. We do not want one or two day rentals to be allowed, as we feel that such people are not as responsible as those who rent for longer terms. We do not want damage done to our facility or loud, partying types. We homeowners must foot the bill for caring for our facility.

We chose to buy a home in Westwood village because of its strong set of rules and CC&R's which are designed to keep this complex quiet and well-cared for, a place families and retirees can enjoy. We are hoping that the city council will make decisions that will preserve the nature of this unique complex.

Thank you for your attention to this matter.  
Dave & Sharon Mudra,       ' Westwood Ln, Sdpt. ID  
**Attach a file:**

Thank you,  
**Sandpoint, ID**

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**This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.**

From: webmaster@cityofsandpoint.com  
Subject: Sandpoint, ID: Website Planning Form Submission  
Date: September 6, 2017 at 9:42 AM  
To: cityplanning@sandpointidaho.gov



A new entry to a form/survey has been submitted.

**Form Name:** Contact Us (Planning)  
**Date & Time:** 09/06/2017 9:41 AM  
**Response #:** 76  
**Submitter ID:** 5472  
**IP address:** 68.104.216.34  
**Time to complete:** 5 min. , 32 sec.

#### Survey Details

##### Page 1

Fields marked by asterisks (\*) are required.

<b>Name*</b>	Pamela Lawrence	<b>Email Address*</b>	webmaster@cityofsandpoint.com
<b>Phone Number</b>		<b>Address</b>	Westwood Dr
<b>Address 2</b>	Not answered	<b>City</b>	Sandpoint
<b>State</b>	Idaho	<b>ZIP Code</b>	83864

**Comments\***

Att: Aaron Qualls  
Westwood Billage has been designated a 'Resort Community' by the City of Sandpoint.  
As a full time resident and Westwood Village Board member respectfully request that you reconsider this classification.  
Westwood Village is not a short term or seasonal community. More that one third of its residents live here full time. Several other units have long term(multiple year) renters. Most of the other condos and townhouses are used exclusively by their owners on a regular, year round basis and are not rented out.  
Please redefine Westwood Viklsge solely as a resident area.  
Thank you.

Thank you,  
**Sandpoint, ID**

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

From: webmaster@cityofsandpoint.com  
Subject: Sandpoint, ID: Website Planning Form Submission  
Date: September 6, 2017 at 10:10 AM  
To: cityplanning@sandpointidaho.gov



A new entry to a form/survey has been submitted.

**Form Name:** Contact Us (Planning)  
**Date & Time:** 09/06/2017 10:10 AM  
**Response #:** 77  
**Submitter ID:** 5480  
**IP address:** 68.104.216.34  
**Time to complete:** 6 min. , 57 sec.

#### Survey Details

Page 1

Fields marked by asterisks (\*) are required.

<b>Name*</b>	Clifford Lawrence	<b>Email Address*</b>	
<b>Phone Number</b>	Not answered	<b>Address</b>	Westwood Dr
<b>Address 2</b>	Not answered	<b>City</b>	Sandpoint
<b>State</b>	Idaho	<b>ZIP Code</b>	83864

**Comments\***

Dear Mr Qualls, we are full time residents of Westwood Village and own our home (~15 years). We are concerned about Westwood being classified as a "Resort Community". Our CC&R's clearly state that we are not a resort. I have no idea how, after being in existence since the 19070's, our home has suddenly and without notice, been desgated a "resort". Our home and neighborhood is no more a resort than yours. Westwood Village should be properly classified as a "residential community", not a "resort".

We have NO public buildings. Our marina, swimming pool and tennis courts are paid for by our homeowners and are not open to the public. We have no dining facility.

While some owners do rent their units, as elsewhere in Sandpoint, sometimes for an entire year or season, the minimum stay we permit is 7 days. Our homeowner's association does not encourage short term rentals (7 days) nor does it allow nightly or weekend rentals as we feel that such renters are not as responsible as those who rent for longer terms and, more importantly, as those who own and live there full time. All homeowners are financially responsible for caring for our facility.

Please correct the designation of Westwood  
Village. Thank you.

Thank you,  
**Sandpoint, ID**

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This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

From: webmaster@cityofsandpoint.com  
Subject: Sandpoint, ID: Website Planning Form Submission  
Date: September 25, 2017 at 10:32 PM  
To: cityplanning@sandpointidaho.gov



A new entry to a form/survey has been submitted.

**Form Name:** Contact Us (Planning)  
**Date & Time:** 09/25/2017 8:50 PM  
**Response #:** 80  
**Submitter ID:** 5553  
**IP address:** 104.235.197.200  
**Time to complete:** 1 min. , 7 sec.

#### Survey Details

##### Page 1

Fields marked by asterisks (\*) are required.

<b>Name*</b>	Sam Howard	<b>Email Address*</b>	n
<b>Phone Number</b>		<b>Address</b>	Westwood
<b>Address 2</b>	Not answered	<b>City</b>	Drive
<b>State</b>	Idaho	<b>ZIP Code</b>	Sandpoint
<b>Comments*</b>	83864		
Sam Howard and Virginia Howard			
Westwood Drive Sandpoint, Idaho 83864			

9/25/2017

Dear Sandpoint City Council members,

My wife and I are native to Idaho, Algoma and Careywood. We went to public through K12 in Bonner county. We have owned two separate condominiums at Westwood since 1991. We have lived fulltime at Westwood since 2001. I was a board member and treasurer of the Westwood HOA for 20 years. In that position, I helped contribute to Westwood's growth and recognition as one of the most desirable neighborhoods in Sandpoint.

Westwood Condominiums is a residential community made up of a diverse residency similar in nature to many other neighborhoods in the greater Sandpoint area.

Westwood Condominiums is not a resort nor has it ever been. We are a vibrant neighborhood that some of our residents occasionally find the need to rent their condominiums.

All of Sandpoint has resident owners who rent their properties from time to time either for income or due to circumstances, that does not make them a resort.

Sandpoint may be a resort town but all neighborhoods who rent are not resorts and as a 25-year resident of Westwood condominiums and a former board member and a resident of Greater Sandpoint Virginia and I respectfully request residential designation of our neighborhood.

Warm regards,  
Sam and Virginia Howard

Thank you,  
**Sandpoint, ID**

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This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

September 27, 2017

City Council Members  
Aaron Qualls, Planning Department  
Sandpoint, ID

I am a homeowner at Westwood Village, Sandpoint, ID. This is my only home. I am concerned that the City of Sandpoint considers Westwood Village a resort. It is not. This is a residential community of private homes. We have no public facilities. Maintenance for the grounds, roads, pool, tennis court and marina is paid for by homeowners.

We do not wish to have short term rentals in our development. Some homeowners do rent out their units on a long term basis, just as other Sandpoint residents do. We believe that renters who only stay a night or two very, often do not behave in as responsible a manner as those who stay longer. We are concerned that those who rent on a very, short term basis may plan to have large, noisy parties and invite guests who may not respect our community. Guests are given keys to the pool and tennis courts. We want to have some control over who may use these facilities.

Please classify Westwood Village as a Residential community as was originally planned when Westwood was developed in 1973.

Thank you for your consideration.

Respectfully,

*Howard S. Schoenberger*

